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NOTES: RESOLUTIONS OF THE CIVIC FEDERATION.

each child. If, in the best interests of all, it is possible to rescue the child without commitment to an institution, this is done and he is saved to his home and the State at the same time. Of the 11,494 children arraigned in this one court in the year 1909 only 1,792 were committed to institutions, either charitable or reformatory."

Under the caption "reaching the causes of mental deficiency," the report dwells upon the proposed plan for the treatment of children who violate the law because of functional derangements. Finally the report presents the general results of a personal observation of more than seventy thousand cases of children who have been before the court.

Uniform Criminal Laws. It is encouraging to note the interest that is beginning to be taken by many organizations and societies in the movement for reform of criminal law and procedure in this country. One of the latest to fall in line is the National Civic Federation, which, at its recent conference on uniform state legislation, adopted the following resolutions:

"WHEREAS, the system in vogue for the trial of causes in the criminal, equity and law courts of the United States and of the several States is the subject of much current discussion, both lay and professional, and is severely criticized for its technicalities and its useless expense and delay; and

"WHEREAS, the matter of procedural reform is receiving the thoughtful consideration of the American Bar Association through a special committee created for that purpose; therefore be it

"Resolved, That this conference recognizes the need for radical changes in the administration of the law both in criminal and civil action;

"Resolved, That a committee of fifteen on Reform in Legal Procedure be created and appointed by the Chairman of the Committee on Uniform Legislation of the National Civic Federation, and that such committee be instructed to coöperate with the Committee of the American Bar Association to suggest remedies and formulate proposed laws to prevent delay and unnecessary cost in litigation, and to use the influence and power of The National Civic Federation to simplify, cheapen and expedite judicial procedure."

The committee authorized by the last resolution has been appointed by Mr. Alton B. Parker and consists of the following persons: Ralph W. Breckenridge, Omaha; Morgan J. O'Brien, New York; William E. Chandler, New Hampshire; John B. Sanborn, Madison, Wis.; Selden P. Spencer, St. Louis, Mo.; Stephen H. Allen, Kansas; Charles Jewett, New Albany, Ind.; Thomas W. Shelton, Norfolk, Va.; Stephen S. Gregory, Chicago; Willard Saulsbury, Wilmington, Del.; Amasa M. Eaton, Providence, R. I.; Lawrence Cooper, Huntsville, Ala.; Henry Wade Rogers, New Haven, Conn.; George Turner, Spokane, Wash., and T. E. MacIntire, Georgia.

The Night-Riders Set Free by Technicalities. The *Memphis Commercial-Appeal*, in a recent issue, indulges in a severe criticism of the decision of the Tennessee supreme court nullifying the convictions in the recent night-rider cases. The court, in the name of the law, we are told, invalidated everything the law did and throttled justice, without ever entering into the merits of the case. It did not discuss the evidence against the defendants, nor inquire whether the evidence warranted a conviction; but simply held that the technical forms of the law were not properly observed in the selection

NOTES: THE NIGHT RIDER CASES.

of the jury and that the defendants did not have the advantage of 192 jury challenges. The evidence showed that the defendants were guilty of murder, and the jury so found. But the supreme court paid no attention to this evidence and "by a process of reasoning as nice and fitting as that used long ago in determining how many souls could stand on the point of a needle it evaded the whole case on a subtle technical objection to the method of going to a trial."

The *Commercial-Appeal* justly remarks that "Technicalities were once bulwarks against lawless kings; now, they are the defense of lawless men. Once they were the outposts for justice against kingly rule; now they are the instrument for the protection of the lawless against justice. Justice created the law, but the hair-splitting ruling of our lawyers, in such cases as that of the state against the murderers of Captain Rankin, turn the law into a Frankenstein which kills Justice." In conclusion it says: "We are not concerned particularly with the decision of the supreme court, but we are concerned with the condition it creates. Under that decision it will be impossible to punish the crime of murder committed in Obion County, unless an extraordinary condition arises. Unless public opinion becomes aroused as it never was before in this state, the chances are that no man will suffer a day's imprisonment under the final verdict for the most brutal murder that ever disgraced the state."

Legislative Investigation of Delays of Justice. Several years ago the legislature of New York authorized the governor to appoint a commission to investigate the causes of the delays in the administration of justice in that state. The commission was composed of able lawyers, among whom was Mr. Wheeler H. Peckham as chairman. The commission found a shocking congestion of judicial business in several of the judicial districts, and reported that there were, on the first of November, 1903, 10,000 untried jury cases on the calendar of the first department of the Supreme Court. The court was then three years behind with its work. In Kings County and in the Niagara Falls district it required from one and one-half to two years to reach a jury trial (Report, pp. 8, 17). Justices Gaynor and Friedman and a number of highly respected members of the bar testified before the commission and pointed out the causes and the remedies. Some of their suggestions were embodied in the recommendations of the commission to the legislature and should have been enacted into law, but they were not. The report of the commission, however, served an important purpose in calling attention to an intolerable situation and in arousing a wholesome sentiment from which results must ultimately come.

The example of New York has recently been followed by Massachusetts, whose legislature a year ago authorized the governor to appoint a commission of three persons "to investigate the causes of delay in the administration of justice in civil matters, and the advisability of constituting new courts or altering the jurisdiction and powers of the existing courts, the expediency of permitting the examination of parties and witnesses at an early stage of judicial proceedings, and other matters relevant to securing a more speedy administration of justice in civil actions."

Although the Massachusetts investigation is to be confined to delays in